

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

Subfile No. CHTA-004-0012

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed August 12, 2005 (Doc.7976) in connection with defendant Amabel Ulibarri and subfile CHTA-004-0012, and as grounds therefore Plaintiff states as follows:

1. Amabel Ulibarri attended a field office and claimed additional water rights for her property under subfile CHTA-004-0012. After the claim was field checked, but prior to the time a revised Consent Order was forwarded to her for approval, defendant Ulibarri mistakenly signed and approved the original Consent Order that had been sent to her. The originally proposed Consent Order was filed with the Court on August 12, 2005. Based on the field inspection, the State has revised the mapping of the water rights on defendant's property, and defendant Ulibarri has approved of the revisions to the mapping of the irrigated acreage on her property.

2. The Consent Order filed August 12, 2005 (Doc. 7976) should be vacated.

3. Defendant Ulibarri has signed and approved a revised Consent Order to be filed with the Court.

4. Defendant supports the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed August 12, 2005 (Doc. 7976) in connection with defendant Amabel Ulibarri and subfile CHTA-004-0012.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Vacate Consent Order was mailed to following this 6th day of March 2006:

Amabel Ulibarri
P.O. Box 321
Tierra Amarilla, NM 87575

and transmitted by ACE filing to the following this 6th day of March 2006:

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Ed Newville

Edward G. Newville

